



# A PROCLAMATION

## *Against Prophaneness.*

**W**ILLIAM by the Orace of God, King of *Great-Britain, France*  
and *Ireland*, Defender of the Faith; To

Macers of Our  
Privy Council, Messengers at Arms, Our Sheriffs in that Part  
conjunctly and severally, specially Constitute, Greeting: **FORASMUCH**  
as, notwithstanding of the many good Laws and Acts of Parliament made  
against Prophaneness, and for the restraining and suppressing of Vice and Im-  
moralities, the same do still abound to the great dishonour of God, the Re-  
proach of the true Protestant Religion, and to the Hurt and Prejudice of the  
Peace and Government of the Realm; And We being resolved, as it hath  
alwise been Our Care, to have these Laws and Acts of Parliament put to  
due and vigorous Execution; And conceaving that the Printing and Pub-  
lishing of an Abreviat of the saids Acts duely collected, and laid together  
for the better Information and Instruction of all Our Judges, Officers and  
Ministers of the Law, and also of Our other Good Subjects, may be of  
special Use and Advantage, for their better Observation and Execution, ac-  
cording to their full Tenor and Intent: **THEREFORE**, and in Answer  
to an Address presented to the Lords of Our Privy Council, by the Com-  
missioners of the late General Assembly of this Church for that effect; We  
with Advice of the saids Lords of Our Privy Council, have thought fit, and  
do hereby appoint the Abbreviat and List of the saids Acts hereto subjoyn-  
ed to be Printed, and duely published at all the Mercat-Crosses of the Head-  
Burghs of the Shires, Stewartries, Regalities and Bailliarics of this Realm:  
And farder, that in all time coming, this present Proclamation, with the  
Abbreviat and List thereto subjoyned, be publickly read twice every Year in  
all the Paroch Churches and Congregations within this Kingdom, to wit, on  
the first Lords Day after each Term of *Whitsunday* and *Martinmas* yearly, af-  
ter the Forenoons Sermon, and before the dissolving of the Congregation; and  
that all Presbytries be careful to have this Publication constantly and so-  
lemnly made in all Churches within their Bounds, with suitable and pertinent  
Exhortations, as they will be answerable; And We peremptorly Command  
and Charge, all Judges, Magistrats and Officers of the Law whatsoever, each  
of them within their Bounds and Jurisdictions, and as they are thereto res-  
pectively



pectively impowered, to be careful to put the foresaids Laws above and after-mentioned, to due and exact Execution upon their highest perril. *Follows the List and Abbreviat of the Laws against Prophanenels, and for suppressing of Vice and Immorality. Imprimis, Act 21. Charles second, Parliament first,, Session first, Intituled, Act against the Crime of Blasphemy,* that whosoever not being distracted in his Wits, shall rail upon, or Curse GOD, or any of the Persons of the Blessed Trinity, shall be proccessed before the Chief Justice, and being found Guilty, shall be punished with death : As also whosoever shall deny GOD, or any of the Persons of the Blifsed Trinity; and obstinately continue therein, being proccessed and found Guilty, shall be punished with Death. *Item, the Act of Our first Parliament, Session fifth, cap. Eleventh, ratifying the foresaid Act ; And farder Statuting, that whoever hereafter shall in their Writing or Discourse, Deny, Impugne or Quarrel, Argue or Reason against the Beeing of GOD, or any of the Persons of the Blessed Trinity, or the Authority of the Holy Scriptures of the Old and New Testament, or the Providence of GOD, in the Government of the World, shall for the first Fault be punished with Imprisonment, ay and while they give publick Satisfaction in Sackcloth to the Congregation in which the Scandal was committed ; And for the second Fault, the Delinquent shall be fined in a years valued Rent of his real Estate, and the twenty part of his free personal Estate, the equal half of which Fines to be applyed to the poor of the Paroch where the Crime shall be committed, and the other half to the Informer, besides his being imprisoned, ay and while he again make Satisfaction as above ; And for the third Fault, he shall be punished by Death, as an obstinat Blasphemer ; And all Magistrats and Ministers of the Law, and Judges in this Kingdom, are Authorized and Required to put this Act in Execution as to the first Fault, as are all Sheriffs, Stewarts, Baillies of Bailliaries and Regalities and their Deputs, and Magistrats of Burghs, to put the same in Execution as the second Fault ; Remitting the Execution thereof as to the third Fault, to the Lords of his Majesties Justiciary : Secundo, All Laws and Acts of Parliament made against Cursing and Swearing, as Act Queen Mary, parliment fifth, Cap. sixteenth, whereby it is Statute, that whosoever Swears abominable Oaths, and detestable Execrations, shall be punished with the pecuniary Mulcts, and other pains contained in the said Act : Act James sixth, Parliament seventh, cap one hundred and third, ratifying the foresaid Act, with an Augmentation of the Pains ; and that Censors be appointed in the Mercat place of all Burrows, and other publick Fairs, with Power to put the Swearers of abominable Oaths in Ward, while they have payed the saids Pains, and find Surety to abstain in time coming, and that by Direction and Commission of the Sheriffs, Stewarts, Baillies, Provosts, Baillies of Burrows Lords of Regalities, and other ordinary Officers ; And that all House-holders delate to the Magistrats, the Names of the Transgressors of this present Act within their Houses, that they may be punished under the pain to be esteemed and punished as Offenders themselves ; And that if the said Magistrats be remis or negligent in the Execution of this Act, they shall upon Complaint be called before us, and our Privy Council, and committed to Ward during pleasure, and find Surety under great Pains, at our sight, for that exact Diligence in executing the said Act thereafter, Act Charles. 2d. Parl. 1. Session first, Cap. nineteenth, ratifying and approving all Acts of Parliament against all manner of Cursing and Swearing. And farder declaring, that each person who shall Blaspheme, Swear or Curse, shal be lyable in the pains following ; each Noble-*





Nobleman in twenty pound *scots*, each Baron in twenty Merks, each Gentleman, Heretor or Burgess in ten Merks, each Yeoman in fourty shilling *scots*, each Servant in twenty Shilling *toties quoties*, each Minister in the fifth part of his years Stripend, and if the party Offender be not able to pay the Penalties foresaid, then to be exempl ry punished in his Body, according to the Merit of his Fault: And this Act is again Ratified, *Charles* second, Parliament second, Session Third, *Cap.* twenty two, which contains a distinct and particular Method, how and by whom, it shall be execute. *Tertio*, All Laws and Acts of Parliament for Observation of the Sabbath or Lords Day, As Act *James* sixth, Parliament sixth, *Cap.* seventy one; That there be no Mercats nor Fairs holden upon the Sabbath-day, nor yet within the Kirk or Kirk-yards that day, or any other day; and that no Handy-Labour be used upon the Sabbath-Day, under the pain of Ten shilling *Scots*; and that no Gaming, Playing, passing to Taverns and Ale Houses, or selling of Meat or Drink, or wilful remaining from the Paroch kirk in time of Sermon, or Prayers, upon the Sabbath-Day be used, under the pains of Twenty shilling *Scots*, and who refuse, or are unable to pay the saids pains, shall be put and holden in the Stocks, or such other Ingynie devised for publick punishment by the space of Twenty Four Hours; And this Act as to the discharging of Fairs and Mercats holden on Sabbath-days, Ratified *James* the Sixth, Parliament Thirteenth, *Cap.* one hundred and fifty nine, and again Ratified against these who prophane the Sabbath Day, by Selling or presenting Goods to be sold upon the said day, and the pain of the Third Transgression, declared to be Escheat of their haill Goods and punishment of their Persons at Our Will; *James* sixth, Parliament Fourteenth, *cap.* one hundred and ninety eight. *Item*, Act eighteenth *Charles* second, Parliament first, Intituled, *Act for the due Observation of the Sabbath-Day*, Ratifying and Approving all former Acts of Parliament made for Observation of the Sabbath-Day, and against the Breakers thereof, and discharging all going of Salt-pans, Milns or Kilns, under the pain of twenty pounds *scots*, to be payed by the Heretors and Possessors thereof; and all Salmond-fishing, hyring of Shearers, carrying of Loads, keeping of Mercats, or using of Merchandize on the said Day, and all other Prophanations thereof, under the pain of Ten pounds *scots*, the one half whereof to be payed by the said Fisher, and Shearer hyred, and the other half by the persons hyring, and if the Offender be not able to pay the saids penalties, that he be exemplary punished in his Body, according to the Merit of his Fault; and this Act ratified *Charles* 2d. Parliament second, Session third, *cap.* twenty two. *Quarto*, The Act *Charles* second, Parliament first, Session first, *Cap.* twenty, Intituled, *Act against Cursing and Beating of Parents*, whereby it is Statute, that whosoever Son or Daughter above the age of sixteen years, not being distracted, shall beat or Curse either their Father or Mother, shall be put to death without Mercy, and such as are within the age of sixteen years, and past the age of pupillarity, to be punished at the Arbitriment of the Judge, according to their deserving. *Quinto*, All Acts against Drunkards and excessive Drinking, such as the Act *James* Sixth, Parliament twenty two, *Cap.* twenty, whereby it is Statute, That all persons convict of Drukenness, or of Haunting of Taverns and Ale-Houses after Ten Hours at Night, or any time of the Day, except in the time of Travel, or for ordinary Refreshment, shall for the first Fault pay Three pounds, or if unable, or refusing, be put in Joggs or prison for the space of six Hours; For the second Fault five pounds, or if unable, or refusing, to be kept in Stocks or prison for the space of twelve Hours; And for the Third Fault, to pay Ten pounds, or in case



foresaid to be kept in Stocks or Prison for the space of twenty four Hours: if they transgress thereafter, to be committed to Prison till they find Caution for their good Behaviour. *Item*, the Act *Ch. 2d. Parl. 1. Sess. 1. cap. 19. Ratifying all former Acts against the Crime of excessive Drinking*, Declaring, ' That whosoever shall drink unto Excess, shall be lyable, each Nobleman in 20 lib. scots, each Baron in 20 Merks, each Gentleman, Heretor or Burges in 10 Merks, each Yeoman in 40 shilling, each Servant in 20 shilling scots, to ties quoties; each Minister in the fifth part of his yearly Stipend, and that the Offender unable to pay the foresaids Penalties, to be exemplary punished in his Body, according to the merit of his Fault. *Sexto.* The Laws and Acts of Parliament made against Adulterers, as *2. Mary. Parl. 5. cap. 20.* whereby it is Statute, ' That manifest and incorrigible Adultries after the proces of Haly-kirk, swa far as the samen may extend is used upon them, for their Disobedience and Contemption, be denounced Rebels and put to the Horn, and all their Moveable inbrought as Escheat, and no Appellation interponed frae the said Censures of Haly-kirk to suspend the Horning. Act *2. Mary, Parl. 9. cap. 74.* ' That all notour and manifest Committers of Adultrey be punished with all rigor unto the death, as well the Woman as the Man, after due Monition made to obtain frae the said nottour Crime, and that for other Adultrey the Acts and Laws made thereupon off before be put to Execution with all rigor. And the Act *Ja. 6. Parl. 7. cap. 105.* whereby it is declared, ' That it shall be judged nottour and manifest Adultry wordie of the pain of death, whoever has Bairns one or moe procreat betwixt the persons Adulterers, or when they keep Company in Bed together notoriously known, or when they are suspect of Adultery, and duely admonished by the Kirk, to abstain and satisfie the Kirk by Repentance and Purgation, yet contemptuously refusing, are Excommunicat for their Obstinacy. *Septimo.* All Laws and Acts of Parliament made against Fornication, as *Act Ja. 6. Parl. 1. cap. 13,* Statuting, ' That who shall commit the filthy Vice of Fornication, shall for the first Fault, as well the Man as the Woman, pay the Sum of fourty pounds, or then both he and she shall be imprisoned for the space of eight days, their Food to be Bread and small Drink, and thereafter presented to the Mercat-place of the Town or Paroch bare-headed, shal there stand fastned, that they may not remove for the space of two Hours; For the second Fault, the Sum of one hundred Merks, or then the forenamed days of their Imprisonment shall be doubled, their Food to be Bread and Water allannerly, and thereafter shall be presented to the Mercat-place, and the Heads of both the Man and the Woman to be Shaven, And for the third Fault, one hundred Pounds, or else the above Imprisonment to be Triplyed, their Food to be Bread and Water allennarly; And thereafter to be taken to the deepest and foulest Pool of Water of the Town or Paroch, and there to be thrice Doucked, and then Banished the said Town and Paroch for ever, and how oft any person shall be Convict thereafter of the said Vice of Fornication, that so oft the third Penalty be execute upon them. *Item*, The Act *Charles second, Parliament first, Session first, Cap. Thirty Eight,* Impowering the Justices of Peace to put in Execution Acts of Parliament, for punishing the persons Guilty of Fornication, and that they cause them pay the pecunial Sum following: Each Nobleman for the first Fault, Four hundred Pounds; Each Barron Two hundred Pounds. Each other Gentleman or Burges, one hundred Pounds. Every other person of inferior Quality Ten Pounds Scots Money, and that these Penalties be doubled toties quoties, according to the Relapses, and Degrees of the Offence, and Quality of the Offenders; And that they be payed not only by the Man, but also by the Woman



man according to her Quality, and the Degree of her Offence, the one without prejudice of the other. *Item*, the said Act Charles second, Parliament first, Session first, Cap: thirty eight, Statutes; That the Justices of Peace put in execution all Acts of Parliament for punishing all persons who shall be Mockers or Reproachers of Piety, or the exercise thereof, and cause them pay the Penalties contained in the forementioned Act of Parliament, against prophane Swearing. *Item*, the Act of our first Parliament, Session fifth, Cap: Thirteenth, Intituled, *Act against Prophaneness*, strictly requiring and enjoining, that all Sheriffs and their Deputs, Stewarts and their Deputs, Baillies of Bailliaries and Regalities, and their Deputs, Magistrats of Burghs-Royal and Justices of Peace within whose bounds any of the saids Sins of Cursing, Swearing, Drunkenness, Fornication, Prophanation of the Lords Day, and Mocking and Reproaching of Religion shall happen to be committed, to put the saids Acts to exact and punctual Execution at all times, without necessity of any Dispensation, and against all persons, whether Officers, Souldiers or others without Exception; Certifying, that such of the saids Judges as shall refuse, neglect, or delay to put the Laws made against the said Sins in Execution, upon application of any Minister or Kirk-Session, or any person in their Name offering Information, and sufficient Probation, shall *toties quoties* be subject and lyable to a Fine of an hundred pounds Scots, for which they may be pursued at the instance of the Agent for the Kirk, or Minister of the Paroch by summar Process, without the Order of the Roll. *Item*, The twenty one Act of the 2d: Session of the current Parliament, dated the nineteenth of July one thousand six hundred ninety, Intituled, *Act anent murdering of Children*, whereby it is Statute, ' That if any Woman shall conceal her being with Child during the whole space, and shall not call for, and make use of Help and Assistance in the Birth, the Child being found dead or amissing, the Mother shall be holden and repute the Murderer of her own Child, tho' there be no appearance of Bruise or Wound upon the Body of the Child: All which Acts above-mentioned, are hereby ordered to be published only for superabundance, and the better Information of our Leidges, without the least derogation to other Acts or Laws not published in this matter. OUR WILL IS HEREFOR, and we charge you strictly and Command, that incontinent these our Letters seen, ye pass to the Mercat-Cross of Edinburgh, and to the remanent Mercat-crosses of the Head-burghs of the several Shires & Stewartries within this Kingdom, and in Our Name and Authority make publication hereof, that none may pretend Ignorance; And We Ordain Our Solicitor to dispatch Copies hereof, to the Sheriffs of the several Shires, and Stewarts of Stewartries and their Deputs or Clerks, to be by them published at the Mercat-crosses of the Head-burghs upon Receipt thereof, and immediately sent to the several Ministers, to the effect the same may be read and intimated at their Paroch Churches, upon the Lords Day immediately following the Publication hereof at the saids Mercat-crosses. And Ordains these presents to be Printed and Published in manner foresaid.

Given under Our Signet at Edinburgh the twenty fifth day of January, and of Our Reign the ninth Year 1698.

Per Actum Dominorum Secreti Concilii.

GILB. ELIOT. Cls. Sti. Concilii.

GOD save the King.

Edinburgh, Printed by the Heirs and Successors of Andrew Anderson, Printer to his most Excellent Majesty, Anno. Dom. 1698.